

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3:22-cr-113

vs.

TYRONE JASON HARRIS, SR.,

District Judge Michael J. Newman

Defendant.

ORDER REQUIRING THE GOVERNMENT TO INDICATE ON OR BEFORE JUNE 7, 2023 WHETHER IT OPPOSES DEFENDANT’S OBJECTION TO THE PSR

Defendant Tyrone Jason Harris, Sr. (“Harris”) pled guilty on February 28, 2023 to two counts: (1) knowingly and intentionally possessing, with intent to distribute, cocaine, a violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C); and (2) possessing a firearm after having been previously convicted of a felony offense, a violation of 18 U.S.C. §§ 922(g) and 924(a)(2). Doc. Nos. 25, 27, 30. The Court referred this matter to the Probation Department to prepare a Presentence Investigation Report (“PSR”). Doc. No. 29. This case is now before the Court on Harris’s objection to the resulting PSR. Doc. No. 34 at PageID 175.

The Government must “establish the existence of a factor supporting a sentencing enhancement by a preponderance of the evidence.” *United States v. Aleo*, 681 F.3d 290, 298 (6th Cir. 2012) (citing *United States v. Gibson*, 985 F.2d 860, 866 (6th Cir. 1993)). However, the Government offered no response to Harris’s objection. Accordingly, the Government is **ORDERED** to file a notice informing the Court, **on or before June 7, 2023**, whether it intends to oppose or if it concurs with Defendant’s objection to the PSR.

IT IS SO ORDERED.

May 31, 2023

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge